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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,349	08/27/2001	Norikazu Takasaka	JCLA7911	4973
23900	7590	04/07/2005	EXAMINER	
J C PATENTS, INC. 4 VENTURE, SUITE 250 IRVINE, CA 92618			ORTIZ CRIADO, JORGE L	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/940,349	<b>Applicant(s)</b> TAKASAKA ET AL.	
	<b>Examiner</b> Jorge L Ortiz-Criado	<b>Art Unit</b> 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites the limitation “ the correction offset signals are independent to gains of the amplifiers”.

The Examiner cannot readily ascertain/map with the above claim language where in the specification as originally filed such a disclosure/support is found in the descriptive portion of the specification by reference to the drawings, designating the part or parts therein to which the term applies.

Alternative, the claims can be construed as misdescriptive in that it fails to particularly point out and distinctly claim the disclosed invention. Applicant's cooperation is respectfully requested.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradshaw et al. U.S. Patent No. 6,101,157.

Regarding claim 1, Bradshaw et al. discloses an optical disc device for changing intensities of light beams illuminated on an optical disc when recording and reproducing on/from the optical disc (See Abstract), the optical disc device comprising:

a photo detecting device divided into a plurality of photo detectors for detecting reflected light beams of the light beams illuminated on an optical disc (See Fig. 2; ref# 35);

a plurality of amplifiers for changing gains to respectively amplify output signals of the photo detectors when recording and reproducing on/from the optical disc (See Fig. 2, ref# 36,37); and

a calculating device for calculating output signals of the amplifiers to generate servo signals (See Fig. 2, ref# 38,39),

wherein correction offset signals for correcting offset voltages of the amplifiers and the photo detectors are added to the amplifiers and the correction offset signals are independent to gains of the amplifiers (See col. 5, line 64 to col. 6 line 3; col. 8, lines 55-63; Fig. 2, ref# 36,37).

Regarding claim 2, Bradshaw et al. discloses wherein the calculating device further comprises a first calculating device and a second calculating device for respectively performing different operations on the output signals of the amplifiers (See col. 5, lines 35-63; Fig. 2, ref# 38,39),

wherein the correction offset signals respectively added to the amplifiers further comprise a first correction offset value that eliminates the offset voltages from a result of the first calculating device, and a second correction offset value that eliminates the offset voltages from a result of the second calculating device (See col. 8, lines 55-63)

Regarding claim 3, Bradshaw et al. discloses wherein the correction offset signals respectively added to the amplifiers are signals separated from the first and the second correction offset values (See col. 8, lines 55-63), wherein the second offset value is "0" in the result of the first calculating device and the first offset value is "0" in the result of the second calculating device (Inherent to Bradshaw et al.; See col. 8, lines 55-63, offset with respect to the calculating devices; desired result is correct offset; i.e. "0")

### ***Response to Arguments***

Applicant's arguments filed 07/06/2004 have been fully considered but they are not persuasive.

Applicants argues that Bradshaw et al., does not teach or suggest (1) the correction offset signals are the same for each gain (2) a correction offset signal with a fixed value is previously added to the input of the amplifier.

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In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., (1) and/or (2) above) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are NOT read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The feature of "correction offset signals are independent to gains of the amplifiers" cannot be readily ascertain/map with the above claim language where in the specification as originally filed such a disclosure/support is found in the descriptive portion of the specification. Furthermore, Applicants has acknowledged that Bradshaw et al. performs an offset adjustment separately after finishing performing the gain setting of the amplifiers, which as disclosed are executed independently and not at the same time.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DAVID L. OMETZ  
PRIMARY EXAMINER